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A BILL FOR AN ACT

To authorize the issuance of licenses to, to require establishment of licensing and practice regulations for, health services personnel in the Federated States of Micronesia, to establish a Federated States of Micronesia Health Services Board of Licensure and to appropriate funds thereof, to repeal sections 152, 153, 154, and 156 of title 63 of the Trust Territory Code, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Short title. This act shall be known and may be  
2 cited as "The Health Services Licensure Act."

3 Section 2. Definitions. As used herein unless otherwise  
4 indicated by the context:

5 (1) "Board" means the Federated States of Micronesia  
6 Health Services Board of Licensure.

7 (2) "President" means the President of the Federated  
8 States of Micronesia.

9 (3) "Secretary of Social Services" means the Secretary  
10 of the Department of Social Services of the Federated States of  
11 Micronesia.

12 Section 3. Establishment of regulations required and licensure  
13 of Health Services personnel authorized.

14 (1) The Secretary of Social Services pursuant to the  
15 provisions of section 16 of this act, shall establish regula-  
16 tions which set forth licensing and practicing standards for  
17 persons desiring to practice, or persons practicing, medicine,  
18 surgery, dentistry, nursing, and other health related services  
19 in the Federated States of Micronesia.

20 (2) All persons are prohibited from practicing such  
21 professions in the Federated States of Micronesia, except in  
22 an apprentice capacity under approved supervision, unless duly  
23 licensed or certified by the President of the Federated States  
24 of Micronesia as hereby authorized and in accordance with the  
25 licensing standards as set forth in the regulations promulgated

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1 hereunder.

2 Section 4. Record of license. A permanent record of each  
3 license issued and each license renewed in accordance with the  
4 provisions of this act shall be maintained in a registry by  
5 the Division of Health Services, Department of Social Services,  
6 Federated States of Micronesia.

7 Section 5. Existing Trust Territory licenses. Any health  
8 services related license issued pursuant to the authority of  
9 section 152 of chapter 3 of title 63 of the Trust Territory  
10 Code and in effect on the effective date of this act shall  
11 remain valid in the Federated States of Micronesia until its  
12 expiration date, upon which time the licensing requirements of  
13 this act and regulations promulgated hereunder shall be complied  
14 with.

15 Section 6. Revocation or suspension of license. Any license  
16 issued or in effect pursuant to the provisions of this act may  
17 be revoked or suspended for cause by the Secretary of Social  
18 Services after due notice to the licensee, in writing, of the  
19 charges that have been made, and the time and place where evidence  
20 in support of the same will be heard, PROVIDED, that the licensee  
21 shall have had the opportunity to present evidence and be heard in  
22 his own defense.

23 Section 7. Federated States of Micronesia Health Services  
24 Board of Licensure. There is hereby established a Federated States  
25 of Micronesia Health Services Board of Licensure. There shall be

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1 five Board members consisting of two physicians, one dentist,  
2 one nurse, and one sanitarian. The Board members shall be appointed  
3 by the President of the Federated States of Micronesia from names  
4 submitted to him as follows:

5 (1) The State Director of Health Services of each  
6 State shall obtain from the licensed physicians practicing in his  
7 State the name of one licensed physician practicing in his State  
8 representing their choice as a candidate for Board membership and  
9 shall thereafter forward the name to the President.

10 (2) The State Director of Health Services of each State  
11 shall obtain from the licensed dentists practicing in his State the  
12 name of one licensed dentist practicing in his State representing  
13 their choice as candidate for Board membership and shall thereafter  
14 forward the name to the President.

15 (3) The State Director of Health Services of each State  
16 shall obtain from the licensed nurses practicing in his State the  
17 name of one licensed nurse practicing in his State representing  
18 their choice as candidate for Board membership and shall thereafter  
19 forward the name to the President.

20 (4) The State Director of Health Services of each State  
21 shall obtain from the licensed sanitarians practicing in his State  
22 the name of one licensed sanitarian practicing in his State re-  
23 presenting their choice as candidate for Board membership and shall  
24 thereafter forward the name to the President.

25 Section 8. Duties and functions of the Board. The duties

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1 and functions of the Board shall be as follows:

2 (1) To advise and assist the Secretary of Social  
3 Services in carrying out his duties under subsection (1) of  
4 section 3 of this act;

5 (2) To examine, study, review, and make recommendations  
6 with respect to the issuance, renewal, suspension, or revocation  
7 of licenses issued or in effect pursuant to the provisions of this  
8 act in such manner as determined by regulations promulgated here-  
9 under; and

10 (3) To perform such other and further duties and functions  
11 as may be assigned to it by the President, Secretary of Social  
12 Services, or by law.

13 Section 9. Tenure of Board members.

14 (1) The members of the Board shall serve terms of four  
15 years; PROVIDED, however, that when the Board is first appointed,  
16 three members shall serve for a term of two years and two for a  
17 term of four years from the date of their appointment.

18 (2) The terms of the respective members shall be deter-  
19 mined by drawing lots at the initial meeting of the Board. Vacancies  
20 shall be filled for unexpired terms by the Secretary of Social  
21 Services from the names submitted in accordance with the provisions of  
22 section 7 of this act.

23 Section 10. Organization of meetings. The members of the  
24 Board shall elect their own officers in a manner and for such times  
25 as shall be determined by the Board. The chairman shall have no

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1 vote except in the event of a tie, in which case he shall cast  
2 the tie-breaking vote. Three members of the Board shall constitute  
3 a quorum. The Board shall meet at such places within the Federated  
4 States of Micronesia and at such times as the chairman of the  
5 Board may designate, and in accordance with regulations promulgat-  
6 ed hereunder. Special meetings may be called by the President or  
7 the Secretary of Social Services.

8 Section 11. Expenses and compensation of Board members.

9 Members of the Board shall be entitled to necessary travel expenses  
10 and to per diem at standard Federated States of Micronesia rates  
11 while on the business of the Board. Board members who are neither  
12 employees nor officials of the National Government of the Federated  
13 States of Micronesia or any State government shall, in addition,  
14 be paid \$30 per day while on the business of the Board. If a  
15 member of the Board is concurrently employed in another post in  
16 the Federated States of Micronesia National Government, he shall  
17 be granted leave to attend the business of the Board, and shall  
18 receive his regular salary while on the business of the Board.

19 Section 12. Civil liability immunity. All members of the  
20 Board and its invited experts, specialists, and consultants, shall  
21 be immune from civil liability for any written or oral statement  
22 made to the Board pursuant to any official Board proceeding.

23 Section 13. Appropriation.

24 (1) Subject to the reporting requirements contained  
25 herein, the sum of \$7,200, or so much thereof as may be necessary,

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1 is hereby appropriated from the General Fund of the Federated States  
2 of Micronesia for the purpose of defraying the operating and con-  
3 tingent expenses of the Board for fiscal year 1982.

4 (2) The sum appropriated by subsection (1) of this  
5 section shall be allotted by the Federated States of Micronesia  
6 Secretary of Finance to the President of the Federated States of  
7 Micronesia, or his designee, who shall be responsible for ensuring  
8 that these funds are used in accordance with Public Law No. 1-45,  
9 as amended, and for the purpose specified in subsection (1) above,  
10 and that no obligations are incurred in excess of the sum appro-  
11 priated.

12 (3) Any part of the sum appropriated by subsection (1)  
13 of this section not obligated as of September 30, 1982, shall revert  
14 to the General Fund of the Federated States of Micronesia.

15 (4) The allottee specified in subsection (2) of this  
16 section shall submit detailed reports to the Congress of the Feder-  
17 ated States of Micronesia as provided in Public Law No. 1-45, as  
18 amended.

19 Section 14. Penalty. A person who violates any of the  
20 provisions of this act or regulations promulgated hereunder shall  
21 be deemed guilty of a crime and, upon conviction thereof, shall be  
22 fined not more than \$1,000 dollars or imprisoned for not more than  
23 one year, or both.

24 Section 15. Repealer. Sections 152, 153, 154, and 156 of  
25 chapter 3 of title 63 of the Trust Territory Code and rules and

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1 regulations issued and promulgated thereto insofar as they  
2 apply to the National Government of the Federated States of Micro-  
3 nesia, are hereby repealed in their entirety.

4 Section 16. Regulations. The Secretary of Social Services,  
5 upon approval by the President, is hereby authorized to issue and  
6 promulgate regulations implementing the provisions of this  
7 act, which regulations shall have the force and effect of law.

8 Section 17. Effective date. This act shall become law  
9 upon approval by the President of the Federated States of Micronesia  
10 or upon its becoming law without such approval.

11  
12 Date: NOVEMBER 8, 1991 Introduced by: [Signature]  
13 Luke M. Tman  
(By request)

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